

REMARKS

Overview

This amendment accompanies a request for continued examination. Entry is respectfully requested.

Claims 1-41 are pending. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

35 U.S.C. § 101 Matters

Applicant gratefully acknowledges the withdrawal of the § 101 previous rejection.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 7-11, 14, 16, 19, 21-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Farley et al., U.S. Patent No. 5,257,185 ("Farley"). This rejection is respectfully traversed.

The sole remaining issues in the application are based on the primary reference Farley. Farley has again been carefully reviewed. It is respectfully submitted Farley does not make out a *prima facie* case of anticipation of the claims under this rejection.

Farley is entitled "Interactive, Cross-Referenced Knowledge System". Farley utilizes terms such as information units, cross-referencing, retrieval of information, relational database, hierarchical knowledge base, and the like, to describe its system. A perusal of its drawings shows the focus is upon creation of a database that can have cross referencing and a navigation to its various components. The Background of Farley mentions hierarchical knowledge systems

as well as on-line reference systems and computer-based training. While it is true Farley discusses (see col. 2) a goal of addressing individual learning style needs and that "one size fits all" systems are insufficient, Farley also differentiates itself from other "automated problem-solving systems" (see col. 3, lines 1-25). Importantly, the bulk of Farley refers to a data-base knowledge system; meaning the collection of information and indexing and cross-referencing it.

The Office Action points to column 4, lines 25-30 with respect to application to "learning". However, that reference is to the specific "Challenger" function of Farley – which is an optional component. It is an assisting tool to the user of the Farley system. But the "Challenger" mode is further described at column 10, lines 42-48. It provides specific options to a user. As noted in Applicant's prior response, it presents a question to the user. The user has the following four options:

- 1) Respond to the question,
- 2) Ask for clarification of the question,
- 3) Review cross-reference information, or
- 4) Jump to a different question or topic.

It is important to note that this subcomponent of Farley presents a question to the user and gives those types of limited options.

In contrast, each of Applicant's claims describe a combination that is not disclosed expressly or inherently in Farley. Take for example Applicant's claim 1. The preamble and other parts of the claim specifically call it out as an instructional program. The remainder of the claim describes how that is carried out. The program is divided into sections to be learned. The program presents additional learning options to the user. Those options are available in first and second levels of sophistication. That limitation is in the context of Applicant's Specification.

Those additional learning options are available to the user. The user selects the time and order, if any, of taking advantage of them.

Farley does not disclose that combination. Farley does not disclose an instructional program in that same context of presenting sections of information to be learned to the user and then having ready at will to the user the different levels of sophistication of additional learning options in any order at any time.

The MPEP states that a claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. It continues and emphasizes "the elements must be arranged as required by the claim...." *Id.* The burden is on the Office to establish at least a *prima facie* case of anticipation.

Farley describes a knowledge base. It is a compilation of facts. The user can take advantage of tools within Farley to go to information in that database. The database is cross-referenced and can assist that user in finding additional facts. Farley also discloses tools that can help, in Farley's terms, make decisions. And the "Challenger" mode, relied upon in the Office Action, can test a user by asking questions and seeing how the user answers.

This is not the paradigm of Applicant's claims. As set forth in Applicant's Specification, this is an instructional program for information to be learned which is displayed to the user. To facilitate different learning styles or desires, the two levels of sophistication of additional learning options are available at any time and in any order to the user.

Farley does not disclose a system that has information to be learned in sections and then preprogrammed, varying, two levels of sophistication supplemental or learning options for each section. Thus, there is no *prima facie* anticipation of Applicant's claim 1 or the other

independent claims 11 and 16. Nor is there *prima facie* anticipation of dependent claims 3, 4, 7-10, 14, 19, or 21-41.

Farley must be interpreted and evaluated as a whole. It is a knowledge base system. It alleges an improvement over other knowledge base systems.

Applicant's claims relate to instructional programs for specific content and providing user-selectable options that have been pre-produced and are correlated to each section in a systematic way to help, supplement, or assist in learning that specific content. As discussed in Applicant's prior response, which is incorporated by reference herein, one example of implementation is the concept of having two virtual tutors; on-call by the user at any time. Those tutors simply are not experts. They are tutors with additional learning assistance for each of the specific sections of the instructional program. They are not experts with general knowledge of teaching or general knowledge of subject matter topic. They are virtual tutors prepared for each of the instructional sections. In other words, they have specific, correlated help for each instructional section.

Nothing is found in Farley that describes that combination. Applicant's claims are not simply a collection of factual information that can be accessed. Applicant's claims are not a set of questions to test the student on knowledge of what is to be learned.

The Federal Circuit has reaffirmed MPEP § 2131 and emphasized that to anticipate a claim, each and every claimed element must be "arranged and combined in the same way" in the prior art reference. *Net Money In, Inc. v. VeriSign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008). The Court specifically stated a prior art reference must not only disclose all elements of the claims within the four corners of the document, but must also disclose those elements arranged or combined in the same way as the claim.

Farley discloses an alleged improvement to knowledge-base databases. It does not disclose the limitation of Applicant's claims arranged or combined in the same way. Therefore, it is respectfully submitted Applicant's claims under this rejection are patentable over Farley. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 5-6, 12-13, 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farley et al., U.S. Patent No. 5,257,185 ("Farley"), in view of Cook et al., U.S. Patent No. 5,727,950 ("Cook"). This rejection is respectfully traversed.

Applicant has previously discussed Farley and Cook in a prior response which is incorporated by reference herein. Cook does not remedy the defects in Farley with regard to what is missing relative to Applicant's claims.

First of all, it is respectfully submitted that Cook has been effectively antedated and therefore is not valid prior art against Applicant's claims. On that basis alone, it is respectfully submitted no *prima facie* case of obviousness of these claims under this rejection has been made out. Applicant reasserts its § 131 Declarations previously of record and incorporates them by reference herein.

Secondly and in the alternative, it is respectfully submitted that in prior responses it has been shown that Cook does not teach Applicant's claims or provide any *prima facie* reason or motivation to be modified or modify Farley in the manner of Applicant's claims for similar reasons discussed regarding Farley.

Therefore, it is respectfully submitted claims under this rejection are likewise patentable and reconsideration is respectfully requested.

Conclusion

It is submitted all matters pending in Actions by the USPTO have been addressed and remedied and that the application is in form for allowance. Reconsideration is respectfully requested.

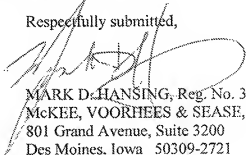
This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$405.00 (small) for the RCE per the attached transmittal.

This is also a request to extend the period for filing a response in the above-identified application for two months from July 9, 2011 to September 9, 2011. Applicant is a small entity; therefore, please charge Deposit Account No. 26-0084 in the amount of \$245.00 to cover the cost of the two month extension.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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